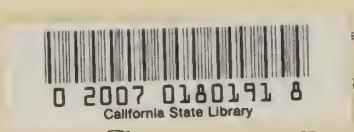
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SAMUEL WILLIAMS,

JOURNALIST.

By W. C. BARTLETT.

PUBLISHED BY THE BERKELEY CLUB.

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Samuel Williams, Journalist.*

It is good sometimes that one should know his lineage, especially if he cherishes no false pride, and is not afraid to find that his ancestors were unkempt, and perhaps unclothed, a thousand years ago.

In the opening sentences of the last paper which our departed associate read before this body, he constructed his genealogical tree with the following sentences:

"I am a pure Celt. No drop of alien blood flows in my veins. I am descended from a long line of fishermen, who dwelt on the eastern shore of the Irish Channel. My remote ancestors were probably barbarians, savage and bloodthirsty, given to heathen rites, and the worship of strange gods. Upon their sacrificial altars, under the wide-spreading branches of the mystic oak, amid weird incantations of long-robed Druidic priests, and the cutting of the sacred mistletoe by consecrated priestesses, human victims were offered up to savage divinities. I make no doubt that more than one of my distant relatives went through the world appareled in the vaguest of costumes, lived in caves, fed on roots and acorns, and made an occasional meal off his less happy neighbor, taken in battle. The roots of my family tree strike down to the rank soil of that ancient Briton, which the greatest of the Cæsars overran, but could not wholly conquer."

His family roots were in a sturdy stock, whose protest for liberty of thought and speech and action has been heard the world over. If some of us were to run the genealogical lines backward, we might strike barbarism at an earlier day; and getting there, might the more readily raise the question, whether a savage condition is not one with nature—a normal and healthy state? Whether the veneering of civilization is not sometimes overrated, since it breeds exactions which shorten life, and threaten to enslave the world? The natives of a South-Sea island saw nothing so ridiculous in the civilization of white men as work. That one should grub and moil mainly for clothes which he did not need, and for food which he could get without work, and shelter which the heavens furnished and lighted with eternal lamps, seemed to them a needless abasement of humanity. How much more emphasis would they have given the conclusion had they been told that this civilization produces immense prisons and mad-houses; and newspapers, wherein are recorded the deviltries of the world; and books, which the worms eat; and railroads, whereon slaves, instead of plodding along the highways, may ride to their tasks at the rate of sixty miles an hour; and cities for future antiquarians to burrow under, as coyotes burrow in the hillsides, but know too much to put in print what game they have borrowed or stolen. Seeing that we have gone over the chasm (or suppose we have) from barbarism to civilization, and have put our necks under the yoke, what is left for us but to pull without a balk, clamoring for no respite, nor getting it, until the long respite comes in the silent city? Have we not deified work, and made grime a patent of nobility? Do we honor overmuch the small leisure class who have withdrawn their necks from the yoke, and have become genteel tramps? despising their poor relations who sleep in haystacks, and forage at kitchen-doors? There may be small blame in the discrimination which fails to mark the difference between the rich tramp, who brings home foreign airs and bad pictures, and his poorer brother, who presents us nothing but

* Paper read before the Berkeley Club, September 1st, 1881.

his crownless hat and capacious stomach. The world will not get much from either. As the community ripens, there will be an increasing leisure class, having both wealth and culture, and the spirit of a larger beneficence. We shall know them when they come, though they do not bring their trumpets with them.

If our departed friend inherited blue blood, he gained little from it, except in the temperament and genius which is generated in Celtic veins. He had little of the robustness of the ancient Briton; and would have made a poor figure in swinging a stone ax, or in poising a lance as heavy as a weaver's beam. He was not born with the traditional inheritance of a gold spoon, nor even with one of iron. His fortune by descent was hard work; and he came into possession of that as soon as he could drive a cow to pasture or bridle a horse. He learned the trade of a printer in Utica, at a time when apprentices boarded with the master, and got little besides frugal fare and more frugal clothes. Yet, what he learned in this humble way was really the foundation of his future usefulness and influence. His art was a lever, unconsciously put into his hands, which enabled him to move future obstacles out of his way. He saved a little money, as a printer, which enabled him to attend the Homer Academy, and from which he went to the sophomore class at Williams College. He was probably too heavily handicapped to become a brilliant scholar; but he graduated with respectable standing in a class which had in it Professor George Mooar of the Golden Gate Theological Seminary, Professor Morris of Cornell University, and Judge Temple of Santa Rosa. He fought the battle for an education bravely, and with manly independence. The victory was worth the cost; yet he was conscious, as every poor student has been, that a thin purse makes thin blood and poor digestion: crackers and water in an attic are one extreme, and beer and pipes the other, of student life; and neither is good for him then or thereafter. Dives is, no doubt, the author of the milk-and-water sentiment, that poverty is a good thing for young men. All the followers of that ancient miser, have rolled it as a sweet morsel under their tongues, and with the greater relish, because it is so economical of all generous benefactions. During his undergraduate course, our friend enjoyed the instruction and friendship of President Mark Hopkins, whose influence was never lost in all his subsequent career. He venerated his teacher as one of the greatest and noblest men of the age. When the latter made a visit to this coast, a few years ago, none gave him a warmer greeting than the deceased. Through his influence, an assembly of persons representing the professions, letters, and literature made the renowned teacher their guest at one of the most notable reunions ever held on the coast. An unseen hand had wisely and deftly arranged every detail. Speeches and fellowship befitted the occasion. There was grace of utterance, the wisdom of the scholar, and the wit of sudden inspiration. None were filled with greater gladness than teacher and journalist, who had met for the last time on the rim of the continent.

From the college among the hills of Berkshire, the young man went back to Utica as an associate editor of the "Utica Herald," which had just been started by Ellis Roberts, then an aspirant for political honors, and since a prominent member of Congress. It was by sheer hard work and sterling ability that the new paper was carried to the point of success, and so far beyond, that it became an organ of more than local importance. At thirty years of age, the young editor, having done some good work, sought a respite and the advantages of travel in Europe. Samuel Thompson, then a leading merchant of Utica, and now a venerable citizen of more than eighty years, residing in Oakland, conferred with a few friends, with the result, that a thousand dollars were added to the resources of the departing editor, as a testimonial of esteem.

He spent nearly two years abroad. It was probably the germinating period of his life. He tarried some months at Heidelberg, where he got a flavor of German student life,

and picked up a little German on his own account. In Paris, he learned enough French for continental travel. He went up the Nile; tarried briefly at Jerusalem and Damascus; poked his cane among the countless layers of mummies at Thebes; enjoyed the hospitality of an Arab sheik in the desert; made the acquaintance of Schweinfurth at the University, since the renowned botanist and African explorer; wrote a series of letters for his paper, which attracted much attention, but which his modesty would not permit to go into a book. He returned better than ever equipped for his life work. His marriage, soon afterward, was felicitous; and his social relations were broadened by many desirable friendships.

He was already known as a vigorous writer, a ready and effective speaker from the stump, which he occasionally took, and a lecturer who both amused and instructed whenever he consented to appear upon the platform. His reputation had extended quite beyond the little city of central New York where he had thought to make his permanent home. The proprietors of the "Albany Evening Journal," a political paper of much influence, sought his services. His new relation of associate editor, with Thurlow Weed as the senior, insured the warm personal interest and the lasting friendship of this veteran of the press. The latter left much of the editorial writing to his junior. He continued in this relation for three years or more, and then accepted an offer to join the staff of the "Evening Bulletin," of San Francisco. Our friend left Albany with some reluctance. He wanted to see the blue waters of the Pacific, and to catch the inspiration of a new community. How well he had done his work in Albany may be inferred from the permanent testimonials which he brought with him, some of them inscribed in letters of gold; and also from the fact, that about three years ago he was invited to return to Albany and take the editorial management of the journal in whose interests he had wrought years before. The offer was a tempting one; but he liked the State of his adoption, he had taken permanent root, new friends had been gained, he did not want to cut all the lacings and interlacings which bound him to the community. His honest love of approbation was gratified by the proposition, and he turned it over wisely many times in his mind. But when he had once said no, he was glad for the decision. He kept up an acquaintance with many of the influential men he had known in the State of New York; and it was rarely that any one of this class, coming from the central or western part of that State to San Francisco, did not make it his early business to call on Samuel Williams. Among the lasting friendships formed at Albany, was that of William H. Seward, then at the zenith of his well-earned fame. When the latter came to this coast, some years ago, having set out on a tour of general observation around the world, he urged Mr. Williams, as a confidential friend and guest, to accompany him to Mexico. It was hard to decline such an offer. But loyalty to duty took the precedence of pleasure.

Another permanent friendship formed in the relation of journalist, was that of our associate with the late Samuel Bowles, the founder and long-time editor of the Springfield (Mass.) "Republican," then and now the best representative of provincial journalism in the whole country. The two men were about the same age, of similar temperament; and tastes, nervous, angular, explosive at times, cherishing the highest ideals of the profession, and both wearing rapidly out under its exactions. The lives of both went out by sheer nervous exhaustion; Mr. Bowles dying about three years ago. The latter cherished a warm friendship for Judge Colt, late of the Supreme Court of Massachusetts, who, going the same way to death, committed suicide recently in a moment of mental aberration. Mr. Williams had also enjoyed the friendship of this eminent jurist. Mr. Bowles once said that he should esteem it a great felicity if he should be sentenced to death by Judge Colt, and should be hung by Sheriff Root; and he might have added, have an obituary written by Samuel Williams. It fell to the lot of the latter to write the obituary of the late Benjamin Avery, so many years an as-

sociate in the same newspaper office. It was a tribute worthy of both the living and the dead. What was so often a facetious suggestion at that time, that each survivor in turn should write a memorial paragraph for his departed co-worker, has become all too soon a sorrowful reality.

Mr. Williams's term of service on the "Bulletin" covered a period of about sixteen years, he having preceded the writer in that connection by about six months. He was assigned the department which had formerly been filled by James Nesbit, who was lost with the steamship Brother Jonathan. The work included the editing of all news by telegraph, the reprint of State and foreign news from exchanges, the selection of miscellaneous matter, dramatic criticism, and book reviews. The writing of editorials did not fall to his department; but if that work had been assigned to him, his clear-cut and forcible way of putting things could not have been mistaken for that of another. He made the most of his department. His dramatic opinions were honestly expressed, and his criticisms were just. He had no weak side that any one could approach through fear or favor. He had the art, from long experience, of finding out what was in a book in the shortest time. He went at once for its vitals. He took the scent of a humbug as quick as a hound takes that of a fox. No art of gilding or embossing could conceal from him a sham. He did not always read a book through. Life is too short for that. But he got the soul and essence of it; and when he had fairly given the spirit of a book, had informed the public so well that its character need not be mistaken, he deemed that the functions of a newspaper critic had been well performed. He would not spend his time upon subtleties, nor for any hair-splitting flourishes. He brought to this task a sound literary judgment and a catholic spirit. So well was his work as a reviewer done, that he not only made it a distinguished feature of the paper, but it was not better done in more than one other newspaper in the country. The late George Ripley of the New York "Tribune," having more time and space at command, made more exhaustive reviews. It was the custom of each to quote liberally, in order to fairly represent the quality of an author.* If the public did not like the samples, it was no fault of the reviewer. The reviews became something more than dry disquisitions. They were widely read, because they were attractive in this form, and because they were careful and honest estimates of qualities and defects. A great deal of book-reviewing in this country has been prostituted to meet commercial exactions. Most of the great publishing-houses have set up their own organs. They control either a magazine or the literary department of a newspaper. The review becomes a mere business notice in the interest of the publisher. It is worthless as a criticism, and often a fraud upon the public. Our friend deplored this tendency. He would not listen with patience to so much as a hint from any publisher or bookseller touching the notice to be made. He was not grinding grists for toll, a fact which he knew how to state with explosive emphasis. If the publisher did not like his method of reviewing, he could take himself and his wares to some more elastic critic. But as for outside influence and advice, he would tolerate none of it. While he aimed to be just, he would sometimes strain a point in favor of a young and friendless author; pointing out the good things which he found, saying a kind word if he could in good conscience, deeming it better for the time than the sting of sharp criticism. He was helpful to more than one young writer in this way. His trained eye and clear discernment saw at once if there was anything in poem or essay—a single grain of wheat in the chaff for any future encouragement. This eclectic spirit made him expert in choosing the best miscellaneous articles. He declared that the art of writing really good short stories had been well nigh lost to the country. When Bret Harte made his advent with his short stories, he was the first to hail him as the new evangel in this department of fiction. He waited long for another, but did not find him. His composition was wrought slowly, and with much painstaking. He sought for

the right word or phrase, and knew when he had found it. He had in him the essential elements of a good journalist—such as are not found in more than one educated man in ten thousand. His strength was not wholly in a vigorous, condensed, and nervous style, crowding his sentences full of thought; but in the art of finding out the best, and laying hands upon it quickly. He knew at a glance the newspaper fiend and the bore, who haunt offices during working hours; and they knew him, with a mortal dread. But his high impatience melted into patience if any one came for a word of counsel, or had a tale of distress. His benevolence was often greater than his resources. When it was known that he was president of a benevolent society, it seemed, at times, as if the world had suddenly gone lame and blind and hungry. He was intolerant of imposters, but sometimes suffered impositions, preferring to err on the side of compassion. In more than one instance he sought the ear of rich men for some pressing case, and was himself surprised at the large response.

His voice was shrill and rasping, and seemed the only thing about him which had never been educated. It could not be mistaken in a concourse of a thousand for that of another. The fineness of his nature could never have been inferred from his voice, and he was probably often misjudged by strangers. Yet it seemed fitly to be one of the idiosyncrasies of the man; going well with his angularity, alertness, and earnestness of life. If heard from the platform, it was clear, vibrant, searching for the dullest ears. It fell kindly upon the ears of friends, who forget the key of his speech for words which were often as "apples of gold in pictures of silver." His chirography was as peculiar as his voice. In sixteen years I was never able to read two consecutive lines that he had written; and only trained experts in the office were able to set up his manuscript with any facility. Horace Greeley and Rufus Choate never put more inexplicable characters on paper. But he did not consider it a mark of genius: he was even sensitive about his writing; though he tried hard to discover the wit of his friends who did sometimes rally him about it. His speech and his chirography were indices of character—they were a part of his personality; but hardly more than single tracings of his moral and mental fiber.

Our friend had a keen relish for society, and did perhaps sometimes overestimate its value, since he was likely to contribute more than he got in return. As society is generally made up on this side of the world, more than one thoughtful and scholarly person has had occasion to say, after returning from a fashionable dress parade, "Vanity of vanities, all is vanity!" The deceased liked best to meet small circles of friends. There were many doors open to him. He knew many rich men. Yet if any by reason of riches indulged in patronizing airs, he was quickly repelled. He knew that in the divine order, opulence of mind—the sterling qualities of head and heart—took the precedence of bullion, whether base or refined. He did not intend that this order should be reversed. He found welcoming hosts on his own terms. Except at his own fireside, it was in these small circles that he was seen at his best. He was genial always, oftentimes brilliant, quick for repartee. It was there he had the grace of speech and the charm of social inspiration.

His acquaintance among newspaper men on the Pacific side of the country was not large. He had a great deal of professional pride. Journalism had been the one pursuit of his life. He honored the calling; exalted it by his daily labor, and by his high ideal of the daily journal. He did not care to know much about any who fell short of this standard. He did not think that a soiled shirt, unkempt hair, unpaid bills, and an air of general distraction were evidences of genius. He lamented that the newspaper ranks were so largely recruited from an irresponsible element, which took no pride in the vocation, and gave no promise of permanent success. He held that "impersonal journalism" meant no more than the obscurity of the individual writer, and the personal exaltation of the publisher. He was content that it

should be so. As a logical result, he was not so widely known here as in the State of New York; and he probably gained little or nothing by an exchange of his fields of activity. He was conscious that mere routine work on a newspaper was not favorable to the best literary development. He who fills his place year after year, without a vacation, will feel sooner or later the drudgery and grinding of the business, and may have good occasion to become jealous of his powers. At long intervals, our friend would try his mental qualities by some new standard. The tests were satisfactory. He was probably as favorably known to the public by his occasional speeches, lectures, and essays, as by his journalistic work. He knew that in this vocation the results were evanescent. The best work of the day was destined to perish with the day. Yet he wrought with as much pains and conscientious fidelity as if he was writing every day for immortality.

If one should find his editorial or review of to-day, used as a wrapper for a bologna sausage to-morrow, let him know that such is newspaper mortality in this year of grace. He was content that, in an impersonal way, he had a large contact with the world. When a ministerial friend one day mentioned that his audience on the previous Sunday was five hundred, the journalist mentioned that his audience for six days of the week was thirty thousand. There was a "flash of silence" for at least three minutes. Yet the deceased was not given to boasting; and he did not carry the shop with him. He asked no favors of the public nor of individuals, by reason of his newspaper connection. He took his place in the ranks of men for what he was in himself, and not for any factitious associations. He rightly judged that the great newspaper was never the work of any one man, but of a succession of men. He noted that when Greeley and Raymond and Bennett disappeared, the newspapers which they had founded did not weaken or shrink in the least. They grew better from year to year. A thousand old enmities, antagonisms, and grudges died with these founders. A thousand new ones are destined to go into the abyssmal depths. He believed in the newspaper as an institution, and that one day it would reach his highest ideal standard; but never until the community was prepared for it. Seeing that it is not now ready for it, nor, indeed, deserving it, he was content with more imperfect results.

If our friend had chosen an exclusively literary career, he might have gained fame, with one chance in a thousand of gaining fortune. He knew that it was a precarious vocation. Hardly one book in a hundred brings success. Thoreau, carrying his unsold copies of "A Week on the Concord" up stairs, because the publisher could no longer store them; Hawthorne, brooding over the manuscript of the "Scarlet Letter," at his wit's end for a way out of pecuniary embarrassment—were fair illustrations of the early success of men of letters in this country. When the wolf is near the door, the best of books on the top shelf will not buy bread. The man with a shot-gun cannot stop to put salt on the tails of birds when the larder is empty. It was enough that our friend was satisfied with his vocation, and with its small and more certain rewards. With less rectitude, he might easily have found the road to fortune. His honor was worth more to him in all the weary days of his life. He kept his high integrity beyond a doubt or a question. As a custodian of millions, he would have accounted for the last cent, even if his diet had been a crust of bread in a garret. I know not if he would have made a martyr for any religious belief; but he had the stuff in him which makes honest men; and they are sadly wanted now in this crooked world. Yet he was not without some distinct religious impressions. He thought little of human creeds, but he reverenced the great truths which take hold of immortal life. He abhorred cant, and even more so, any jest or scoff touching the religious faith of men. He remembered that his renowned teacher, greatest among the great thinkers of his time, was as a little child in the simplicity of his faith; and he did not think that any who had a kindred belief would greatly err. He had the disease of work. He had, how-

ever, a firm belief that, with periodical cessations of work, his life might have been prolonged many years. But he had come to look upon death as not a very remote event. He was not unduly solicitous about it. For the last year or two I think his view in that regard might have been fitly expressed in the lines of Bjornson:

"One day I know I shall wander afar
Over the lofty mountains!
Lord, my God, is thy door ajar?
Good is thy home where the blessed are;
Keep it, though closed a while longer,
Till my deep longing grows stronger."

The ripeness of years had cooled somewhat the fervor of Celtic blood. But he was always a man of force and singular directness, putting his whole soul into whatever he said or did. His temperament made him aggressive. With more repose of soul, he would have chafed less, and perhaps would have got more out of life. Yet he was as free from brooding bitterness as a child. He cherished few resentments; but when a newspaper Philistine once wantonly assailed him, his maligner was ever afterward as dead, constructively, as if a mountain had fallen upon him. He was free from the grossness of speech; and if he did sometimes objurgate, it was in the spirit of "My Uncle Toby," and he thought it would not be placed to his permanent account in this world nor in the next. He had an honest contempt for vulgar pretension. It was ever an offense against the severe simplicity of his own life. He was so positive, square-sided, and incisive, that weak and capricious people would not naturally be drawn to him. He preferred that they should not be, for he had nothing in common with them; and if they went somewhat apart from him, it was their testimony unwittingly given to the genuineness of his character. It was that, also, which drew to him the surprising number of friends who knew his steadfastness, his delightful companionship, and his unselfish life. They sent him messages of hope and cheer in the days of his illness—words which did greatly brighten his spirits and gild his fading horizon. And when the final tribute was paid to his dust, who were they but the elect, the best of all professions and vocations, who honored his memory!

What he was to us in this association, yourselves are witnesses. He always had something to say worth hearing. He knew the limits of his mental grasp, and did not strive to transgress those limits. His vocation was not favorable to the profoundest research, nor to special and difficult fields of inquiry. But his contributed papers were always good, and so suggestive that they were sure to ring the electric bells. He went to his rest in the prime of his years, if they are reckoned by the calendar. But so intense was his life that his years were rounded to the fullness of age.

He saw serenely the shadows lengthen, and the evening come on apace. As the mountains are transfigured at the setting of the sun, so at eventide the hour of his transfiguration came, and he went forth from death unto life. It was a life here of patient endeavor, wherein the most was made out of moderate opportunities. Where he succeeded, many another would have failed. The way would have been found too hard and too long. He was successful in the attainment of the things most honorable and most to be esteemed by a genuine character. Having the toughness of fiber which insures staying power, he could both work and wait for results. His mercurial nature was tempered by prudence and enriched by a large generosity.

It did not concern him greatly that he put more into life than he got out of it. What he did not get in volume, was made up to him in quality. For him the hills were touched with gold, when they were as lead to duller sight and sense. We shall remember him at his best, as one having the crown of a noble manhood. Whittier's lines, "In Memoriam," are appropriated as a just tribute to the memory of the dead journalist:

"Now that thou hast gone away,
What is left of one to say
Who was open as the day?

"What is there to gloss or shun?
Save with kindly voices, none
Speak thy name beneath the sun.

"Safe thou art on every side,
Friendship nothing finds to hide,
Love's demand is satisfied.

"Over manly strength and worth,
At thy desk of toil, or hearth,
Played the lambent light of mirth—

"Mirth that lit but never burned;
All thy blame to pity turned;
Hatred thou hadst never learned.
. . . . . .

"Keep for us, O friend, where'er
Thou art waiting, all that here
Made thy earthly presence dear.

"Something of thy pleasant past
On a ground of wonder cast,
In the stiller waters glassed!

"Keep the human heart of thee:
Let the mortal only be
Clothed in immortality."
. . . . . .

W. C. BARTLETT.

In Memoriam

John R. Jarboe

Memorial

COMMEMORATIVE OF THE LIFE AND SERVICES

OF

John R. Jarboe

ADOPTED AND ORDERED PRINTED BY THE BAR ASSOCIATION OF SAN FRANCISCO, JANUARY 15, 1894

SAN FRANCISCO:
C. A. MURDOCK & CO.
1894

In Memoriam

JOHN R. JARBOE.

IN the death of John R. Jarboe the bar of California has lost one of its number whom it may well mourn. He was one of the few, some of whom are still happily with us, who linked the present to the early days of the San Francisco Bar, and who contributed in no small measure to make that Bar what it has been and is. He was a man of quite unique endowment, possessing characteristics which made him a singularly interesting character, and which served to attach to him numbers of admirers as well as devoted friends. It is, therefore, fitting for our Association, of which he was a life member and with which he was so long connected, to say a few words in honor of his memory.

Always of delicate physique, and frequently suffering from bodily ailments, it is not strange

that he died at the comparatively early age of fifty-seven years, for he toiled hard and long during his whole life; indeed, the wonder is, that he lived to come almost within reach of three score. Many times he was reluctantly forced to leave his work, and seek the rest which his home always gave him, and now and again it seemed as though the end was about to come; but he would rally, and resume his labors with such ardor as to lead his friends to hope that he might be blessed with a serene old age. Such, however, was not to be; and so it was, that after battling for some weeks with a complication of disorders, he passed away on the fourth day of July of the year just closed.

Our brother was born on the sixteenth day of February, 1836, at Ellicott's Mills, in the State of Maryland, and when quite an infant was taken by his father to Baltimore, where he grew up. He was of French descent, his family having come to this country with Lord Baltimore, and he himself bore the name of the American founder of the family. This ancestor settled in St. Mary's county, Maryland, where

members of the family are still living. French was to Mr. Jarboe a native tongue, with the idioms of which he was so familiar that there was scarcely any French he could not as easily read as though it were English. He was a very precocious child in his studies, so much so, that although he was confined to his bed for three years by reason of an injury, he passed his examination for the junior class of Yale at the early age of seventeen, and graduated in 1855 the youngest, and among the first, of his class. His college life was highly honorable to him, for not only was he a favorite with his teachers, but a great favorite as well with his class. A member of our Association tells of an interesting conversation he had last April in Lexington, Kentucky, with a class-mate of Mr. Jarboe, who had not seen him since he left college, and who inquired about his old friend with the greatest solicitude, and spoke of him in terms of the highest praise.

The year after his graduation he came to California, and for a time taught school in an academy at Alameda, which his father at one time had thought of buying. The project, how-

ever, fell through, and fortunately for himself and for the profession, our friend left school-teaching, and betook himself to the study of the law, resolving to remain in California, although his father, having abandoned the proposed purchase, had written him to return. His first practical experience of the law was had in the office of Mr. Jesse B. Hart, where he devoted all his leisure to hard study. He was admitted to practice by the Supreme Court in 1858, and thereupon took an office in the rooms of Shattuck, Spencer & Reichert, whom he assisted in clerical work. It was not long before he became a member of the firm, and at once demonstrated, by his success, the wisdom of his choice of a profession. After Mr. Reichert's death, the firm name became Spencer & Jarboe, and after Mr. Spencer's death, Mr. Jarboe practiced alone for some eight months. During all this time, his business was almost exclusively in the Courts, where he had such great success that it seems not a little singular he should finally have resigned himself to an almost exclusive office business. In 1867 he formed a partnership with Mr. Ralph C. Harrison, which continued until a short time

before that gentleman was elected to the Supreme Bench of the State. During a part of this time Mr. Jarboe's brother-in-law, Mr. C. P. Robinson, was a partner in the firm, and during another part of the time, Mr. W. S. Goodfellow. After the graduation of his son Paul from the law school of Yale, Mr. Jarboe, being then alone in business, took his son into partnership with him. When the German Savings Bank was organized, Mr. Jarboe was elected its attorney, and he remained such until his death. During all this time—a period of more than a quarter of a century—the bank paid out and loaned many millions of money on his advice, not a dollar of which was lost through error of his.

Some two years after his admission to the bar, he was married to Miss Mary H. Thomas—a lady of great accomplishment—with whom he lived in uninterrupted harmony till the very last. In 1872 they lost their eldest child, who bore his father's name, and from whose untimely cutting off Mr. Jarboe seemed never fully to recover.

For some years before the death of our friend he had almost entirely abandoned court business,

his office labors having become so arduous and engrossing as to render such a course compulsory; but before this time, he had participated in many important land cases, being on the winning side with Mr. S. M. Wilson in the Woodward's Garden cases, which involved complicated and difficult questions; in Sweeney v. Reilly which embraced in its litigation a large and valuable piece of land; in the various suits involving the Hill tract and Olds tract; and in a number of suits covered by the MacNamara claim. He won the case of Polack v. Pioche (reported in 35th California Reports), which is one of the most interesting cases of its kind in the Reports; and in Hassey v. God-Is-With-Us-Congregation (reported in the same volume of Reports), he raised for the first time in this State —so far as the Supreme Court Reports advise us —the question of the attachment of equitable demands; the Court holding with him that such demands are not susceptible of attachment.

We do not deem it within the purview of this memorial to recount the many cases with which Mr. Jarboe was successfully connected; and we do but mention the foregoing in order to correct

the erroneous notion that he was an office, rather than a court, lawyer. The truth is, that while he doubtless fell into doing the work he was peculiarly well qualified to do, he nevertheless had already exhibited such forensic abilities as must have carried him to a great height, had he continued on the course which he had originally adopted.

He drew to himself a very large business, particularly of that kind which had to do with the examination of titles, and he commanded and received large fees, the result being, that at the time of his death he was fortunate enough to leave to his family a very considerable property.

It is as an examiner of titles that Mr. Jarboe was best known to the public, and in this field he not only achieved great distinction, but he did more than any lawyer we have ever had in California to render titles stable, by his rigid and close examinations, and by his insistence on removal of every defect, no matter how seemingly slight. In this field he was undoubtedly a leader. Before he began to examine titles, such close and rigid examinations as his were

not practiced; but by the course he pursued, he necessarily forced others into the same method. He appreciated, as others before his day did not, the grave importance of apparently slight defects in a title, and the necessity of curing such defects. He had a genius for detail, and for figures—indeed, he was no inconsiderable mathematician—and this stood him in great stead in his work. He never lost his patience over, nor interest in, a title; but he would work over it, ponder on it, turn all questions arising on it on every side, and never let the deed or mortgage go until everything was made secure. It was impossible to hurry him; if he met an objection, he simply stood there, and refused to budge until the objection was removed, or was explained to his entire satisfaction. He was not only familiar with San Francisco titles, but with the titles generally in the State, and many of such outside of this city passed under his scrutinizing review. Indeed, his fame in this field was statewide, and justly deserved.

Nature certainly decreed at his birth, that our brother should be a lawyer. His mind was analytical and logical; he had a great faculty

for statement; he was accurate to a degree, he was industrious; and he was so painstaking that no one could exceed him in that respect. All this came by nature; and to this natural endowmcnt was added such training and learning, and such culture from wide acquaintance with men and books, that he became in the highest sense qualified for his life's work.

While he was well grounded in the principles of the law, and reasoned closely and logically from those principles, he yet was strongly wedded to precedent, and never was at case unless he could base his contention on the authority of adjudicated cases. His nature was essentially conservative, and he always preferred to stand on the old ways. Indeed, he never felt himself entirely safe on the new ones. This was well illustrated by his rigid adherence to the old forms of deed and mortgage, and by his fear of all new legislation which affected the form of certificates of acknowledgement.

His indcpendence of character was one of his marked characteristics. In this he was so firmly founded, that he never was satisfied to receive

any favor which might have the effect to place him under obligation. He rejoiced in the native strength of his own individuality, and liked to feel that, under any and all circumstances, he was sufficient unto himself. It was by reason of this, that he made his way so surely at his start in life, and that he kept his course steadily and successfully to the end. His character was of the highest, and his life was without reproach. He always maintained profound respect for his profession and for the Courts, and kept himself on the loftiest levels of professional propriety.

He was a great lover of literature, and a very wide and extensive reader. Books were his passion and delight. He gathered around him one of the choicest collections of books in the State, many of them being in rare and costly editions, and some of them being so unique and curious, that such can only be found in the libraries of bibliophiles. His collection of books and prints on the subject of the French Revolution is supposed to be one of the best in the hands of any private person. He was fond of delicate and beautiful things. He took naturally

to such, and this natural taste became intensified by cultivation. He hence beautified his home not only with beautiful books, but with pictures and articles of virtu. These were to him not mere pieces of furniture as they are to many, but they were objects which he understood and thoroughly enjoyed.

Mr. Jarboe was inclined to be reserved in manner, but his attachments were strong and long maintained, and no man of our bar ever had a stronger hold on his clients. As a companion our brother was delightful. He was exceedingly genial to his friends, and was seldom sour or ill-tempered, although he might be suffering with pain. His talk was interesting, and his language happy and felicitous. He was well versed in the classics, and of his own language was something of a master. In composition he was exceedingly nice in the choice of words, and clear and perspicuous in statement. He was a good critic, and would rarely go over the composition of another that he could not point out defects, and indicate the proper word or phrase.

While he scarcely knew what relaxation was,

so busily was he employed, he nevertheless took time to entertain his friends at his hospitable and elegantly appointed board, and never failed to see what was best at the theatre and opera. His knowledge of the stage and of actors was by no means slight, and his criticisms of a theatrical or musical performance were valuable and interesting.

It is not inappropriate to point out that our friend owed his success to no adventitious circumstances, but to himself. When he came to California, he was scarcely more than a boy, and his pecuniary resources were slender; yet he managed in a few years to become well read in the law, and at that time, by close economy coupled with unremitting application, he succeeded in gaining that foothold which natures such as his only need for assured ultimate success; for these are they, as the poet triumphantly sings,

> "Who wake the strong divinity of soul
> That conquers chance and fate."

This uniquely endowed man was one of the charter members of our Association, and by it he

was held in the highest esteem; and in this all too inadequate memoir, while that Association does but discharge an imperative duty, it at the same time enjoys the mournful pleasure of commemorating the life and services of one of its worthiest and ablest members.

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INV. 1894

GEORGE BANCROFT

AND HIS

SERVICES TO CALIFORNIA.

MEMORIAL ADDRESS,

DELIVERED MAY 12, 1891,

BEFORE

THE CALIFORNIA HISTORICAL SOCIETY,

BY

THEODORE H. HITTELL.

PUBLISHED BY THE
CALIFORNIA HISTORICAL SOCIETY
SAN FRANCISCO.
1893.

TUSERY & CO. PRINTERS, 587 MISSION ST
SAN FRANCISCO

ROFT

.IFORNIA.

RESS,

AL SOCIETY,

L.

California Historical Society

Organized and supported by a few public spirited citizens of the Commonwealth, whose object is "to collect, preserve and diffuse information relating to history," ask you to accept a copy of its latest publication—

GEORGE BANCROFT

AND HIS

Services to California

Kindly acknowledge the receipt thereof.

J. V. COFFEY,
President.

A. S. HUBBARD,
Secretary.

819 MARKET ST.,
SAN FRANCISCO, CAL.
DEC. 22, 1893.

PUBLISHED BY THE
CALIFORNIA HISTORICAL SOCIETY
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Historical Society of the State of California.

INCORPORATED APRIL 30th, 1852.

BY

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J. B. MOORE,	ALEX. S. TAYLOR,
HENRY W. HALLECK,	P. B. READING,
ROBT. GREENOW,	PABLO DE LA GUERRA,

WM. J. SHAW.

California Historical Society.

INCORPORATED MARCH 5th, 1886.

BY

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JOHN T. DOYLE,	WM. NORRIS,
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Hon. John T. Doyle,
Jno. R. Jarboe.
Died July 4, 1893.

The California Historical Society, on the decease of George Bancroft, the Nestor of American Historians, and an Honorary member of the Society, immediately took steps to pay that respect due to the memory of so eminent a scholar and citizen.

At the adjourned annual meeting of the Society, held March 10, 1891, Col. A. S. Hubbard offered the following resolution which was unanimously adopted:

Resolved, That the next meeting of the Society be held in commemoration of the life and services of the late George Bancroft, an Honorary Member of this Society, who was instrumental in the acquisition of the Territory of California.

Also, that Mr. John R. Jarboe, President of the Society, be requested to invite the Hon. Theodore H. Hittell to deliver an address appropriate to the occasion, on the evening of May 12th, 1891.

In accordance with this invitation before the large audience assembled, Mr. Hittell delivered the following address.

A vote of thanks was tendered the orator of the evening for his valuable paper, with the request that a copy of the same be furnished for the archives of the Society, and for future publication.

Previous to adjournment, the Secretary read an autograph letter from Mr. Bancroft, also General Order, No. 27, U. S. Army, dated, "War Department, Adjutant General's Office, Washington, June 16, 1845," issued by order of President Polk by Mr. Bancroft, who was then Acting Secretary of War and Secretary of the Navy, announcing to the Army the death of the "Illustrious Ex-President, Genl. Andrew Jackson," an original copy of the Order countersigned by Col. Roger Jones, Adjutant General U. S. Army, being in the archives of the Society.

GEORGE BANCROFT

AND HIS

SERVICES TO CALIFORNIA.

To be born with an extraordinarily strong and healthy constitution, of reputable parentage, and in circumstances affording a sufficiency of means for the development of all the higher faculties of the mind; to find in early years the right path and to enter upon and pursue it without being diverted into by-ways or led off in the pursuit of *ignes fatui;* to meet almost from the beginning with appreciation and encouragement not only from the choicest spirits of America, but also from those of England, France, Germany, Italy and in fact of all Europe; to be called into the public service of the country and take a prominent and important part in one of the most stirring and successful periods of its history; to live a long life and be enabled to complete and round off a vast and magnificent monument to the glory of the fairest land the sun has ever shone upon; and, at the end, to pass away calmly and painlessly, full of years and full of honors and with the respect of men of culture throughout the civilized world—such was the fortune and happiness of the eminent man in whose memory we are this evening here assembled.

George Bancroft, the historian of the Colonization and Constitution of the United States, first saw the light of day at Worcester, Massachusetts, on October 3, 1800. He was the son of the Rev. Aaron Bancroft, a Unitarian minister of prominence in his day and generation. He was prepared for college at Exeter, New Hampshire, and graduated at Harvard in 1817. Almost immediately after graduation he went to Germany and resided two years at Göttingen, where he

studied the German, French, Italian, Arabic and Hebrew languages and literature and Greek antiquities. In 1820 he took the degree of Doctor of Philosophy at Göttingen; and in casting about for a career, as is usual about that period of a student's life, he chose history as the branch of study to which he would especially devote himself. With an eye to large results he desired, as he appears to have afterwards said of himself, to see if the observation of masses of men in action would not lead, by the inductive method, to the establishment of the laws of morality as a science.

He continued studying in Europe two years longer, spending his time partly at Berlin and partly at Heidelberg and Jena. During this period he became acquainted with some of the most famous men of their day, including the illustrious Goethe. In 1822 he returned to the United States and became for a year a tutor of Greek in Harvard College. About this time he delivered several sermons; but theology was unable to win him from the broader and wider field of letters. In 1823 he published a volume of poems; but fortunately that one venture was his last, as well as his first, attempt in that direction. It cannot be said that he might not have written poetry; but it is likely, and perhaps certain, if he had continued writing verse, that he would have spoiled a good historian to make a bad poet. He, however, had the good sense as well as good fortune, like Blackstone, to bid an early farewell to the Muse; and, so far as appears, he never afterwards ran the risk of singeing his wings by a flight too near the sun.

In the same year, 1823—having apparently got poetry well out of the way—he opened what was known as the Round Hill School at Northampton, Massachusetts, for the preparation of young men for college. The next year he published a translation of Heeren's "Politics of Ancient Greece." In 1826 he published an oration advocating universal suffrage and the foundation of the State on the power of the whole people. He was doubtless as yet too young and inexperienced to wrestle with so difficult and complicated a subject; but the effort showed the direction of his mind and indicated that he

was at work making, or getting ready to make, what he called his "observtaion of masses of men in action." In 1830 he appears to have been elected to the Legislature of Massachusetts without his consent and refused to take his seat; and the next year he declined a nomination to the State Senate. There is no reason to believe that the legislatures of those days were as bad as some legislatures of later times, or that Bancroft declined office on account of the risk of contamination in the pool of politics. As a man of honor he could have preserved his integrity just as easily as any man to-day, if he be honest at heart, can pass unsmirched through all the corruptions that reek in our capitals. Nor would it have been a useless lesson for a student, engaged as he was in the "observation of masses of men in action" and an advocate of universal suffrage and the foundation of the State upon the power of the whole people, to take part for at least one session in a legislative body. But he seems to have been at that time employed on other and more important labor. He was laying the foundations and starting the superstructure of his great work, "The History of the United States," the first volume of which he published in 1834, the second in 1837 and the third in 1840.

In 1838 he commenced his political career by accepting an appointment from President Van Buren as Collector of the port of Boston. In 1844 he received the nomination of the Democratic party to the office of Governor of the State of Massachusetts; but, though honored with a large vote, he was defeated at the polls. At the accession of President Polk in 1845 he became Secretary of the Navy and signalized his administration by many important orders,—and among them a number in which Californians must and always will take a peculiar and very deep interest. It may be too much to say that Bancroft secured for us this beautiful country of California; but that he did much towards it, more perhaps than any other one man, there can be no doubt. And in this view we imagine we cannot do a more fitting thing, on this occasion and before this audience, than to present in their entirety the remarkable documents referred to.

It will be recollected that previous to the Mexican war the territory of the United States was of very irregular form, with a great notch out of its southwestern corner. In the opinion of the then dominant political party of the country, it was important to secure this corner—just as it had been considered important by the same party to secure Texas. Bancroft, as Secretary of the Navy and one of the exponents of that party, voiced its desires in his instructions to the naval forces of the United States in the Pacific, then commanded by Commodore John D. Sloat. Already in the routine orders, which had issued from the Navy Department, reference had been made to the matter; but it was not until June 24, 1845—when it had become almost certain, on account of the proposed annexation of Texas, that there would soon be war with Mexico—that it became the subject of a special communication, as follows:

(Secret and Confidential.)

U. S. NAVY DEPARTMENT,
WASHINGTON, June 24th, 1845.

Commodore John D. Sloat, Commanding U. S. Naval Forces in the Pacific.

SIR: Your attention is still particularly directed to the present aspect of the relations between this country and Mexico. It is the earnest desire of the President to pursue the policy of peace, and he is anxious that you and every part of your squadron should be assiduously careful to avoid any act which could be construed as an act of aggression.

Should Mexico, however, be resolutely bent on hostilities, you will be mindful to protect the persons and interests of citizens of the United States near your station; and should you ascertain beyond a doubt that the Mexican Government has declared war against us, you will at once employ the force under your command to the best advantage. The Mexican ports on the Pacific are said to be open and defenseless. If you ascertain with certainty that Mexico has declared war against the United States, you will at once possess yourself of the port of San Francisco and blockade or occupy such other ports as your force may permit.

Yet, even if you should find yourself called upon by the certainty of an express declaration of war against the United States to occupy San Francisco and other Mexican ports, you will be careful to preserve, if possible, the most friendly relations with the inhabitants, and, where you can do so, you will encourage them to adopt a course of neutrality.

Should you fall in with the squadron under Commodore Parker, you will signify to him the wish of the Department that, if the state of his vessels will admit of it, he should remain off the coast of Mexico until our relations with that power are more definitely adjusted; and you will take directions from him as senior officer, communicating to him these instructions.

The great distance of your squadron and the difficulty of communicating with you are the causes for issuing this order. The President hopes most earnestly that the peace of the two countries may not be disturbed. The object of these instructions is to possess you of the desire of the Government in the event of a declaration of war on the part of Mexico against the United States—an event which you are enjoined to do everything, consistent with the national honor, on your part to avoid.

Should Commodore Parker prefer to return to the United States, he has permission from the Department to do so. In that event you will command the united squadron.

Very respectfully, your obedient servant,

GEORGE BANCROFT.

Several other communications to the same effect were written in the course of the year 1845 and sent off to the Pacific as opportunity presented. But the most famous of his orders was issued in January, 1846, while he was acting *pro tempore* as Secretary of War. It directed the American army under General Taylor to march into that part of Texas lying along the Rio Grande and occupy it as a portion of the United States, and thus in effect initiated the Mexican war. Mexico having resented the advance of the Americans to the Rio Grande and attacked them, the administration at Washington on May 13, 1846, declared war; and on the same day Bancroft wrote to Sloat the next important communication relating to California, as follows:

U. S. Navy Department,
Washington, May 13th, 1846.

Commodore John D. Sloat, Commanding U. S. Squadron, Pacific.

Commodore: The state of things alluded to in my letter of June 24th, 1845, has occurred.

You will, therefore, now be governed by the instructions therein contained and carry into effect the orders then communicated with energy and promptitude, and adopt such other measures for the protection of the persons and interests, the rights and the commerce of the citizens of the United States as your sound judgment may deem to be required.

When you establish a blockade, you will allow neutrals twenty days to leave the blockaded ports, and you will render your blockade absolute except against armed vessels of neutral nations.

Commending you and your ships' companies to Divine Providence,

I am respectfully, your obedient servant,

George Bancroft.

On May 15, 1846, two days after the last letter, Bancroft sent to Sloat further and more definite instructions, as follows:

U. S. Navy Department,
Washington, May 15th, 1846.

Commodore John D. Sloat, Commanding U. S. Naval Forces in the Pacific.

Commodore: By my letter of the 13th instant, forwarded to you through different sources in triplicate, of which a copy is enclosed, you were informed of the existing state of war between this Government and the Republic of Mexico, and referred to your instructions bearing date June 24th, 1845, in reference to such a contingency and directed "to carry into effect the orders then communicated with energy and promptitude and adopt such other measures for the protection of the persons and interests, the rights and the commerce of the citizens of the United States as your sound judgment may deem to be required."

I transmit you herewith by the hands of Midshipman McRae, whom you will employ on your station, a file of papers containing the President's message and the proceedings of

Congress relative to the existing state of war with Mexico. The President by authority of Congress has made proclamation of war between the United States and Mexico. You will find a copy of the proclamation in the papers enclosed.

You will henceforth exercise all the rights that belong to you as commander-in-chief of a belligerent squadron.

You will consider the most important public object to be to take and to hold possession of San Francisco, and this you will do without fail.

You will also take possession of Mazatlan and of Monterey, one or both, as your force will permit.

If information received here is correct, you can establish friendly relations between your squadron and the inhabitants of each of these three places.

Guaymas is also a good harbor and is believed to be defenseless. You will judge about attempting it.

When you cannot take and hold possession of a town, you may establish a blockade if you have the means to do it effectually and the public interests shall require it.

With the expression of these views, much is left to your discretion as to the selection of the points of attack, the ports you will seize, the ports which you will blockade, and as to the order of your successive movements. A connection between California and even Sonora and the present Government of Mexico is supposed scarcely to exist. You will, as opportunity offers, conciliate the confidence of the people in California, and also in Sonora, towards the Government of the United States; and you will endeavor to render the relations with the United States as intimate and as friendly as possible. It is important that you should hold possession at least of San Francisco, even while you encourage the people to neutrality, self government and friendship.

You can readily conduct yourself in such a manner as will render your occupation of San Francisco and other ports a benefit to the inhabitants.

Commodore Biddle has left, or will soon leave, China. If occasion offers, you will send letters for him to our agent at the Sandwich Islands, conveying to him the wish of the Department that he should appear at once off California or Sonora. You will inform the Department by the earliest opportunity of those ports which you blockade. You will notify neutrals of any declaration of blockade you may make and give to it all proper publicity. Your blockade must be strict, permitting only armed vessels of neutral powers to enter; but to neutrals already in the ports you will allow twenty days to leave them.

The frigate "Potomac" and the sloop "Saratoga" have been ordered to proceed as soon as possible into the Pacific; and Captain Aulick in the "Potomac" and Commander Shubrick in the "Saratoga" directed to report to you at Mazatlan or wherever else they may find your forces. You would do well, if occasion offers, to send orders to Callao and Valparaiso instructing them where to meet you.

Other reinforcements will be sent you as the exigencies of the service may require.

You will communicate with the Department as often as you can, and you will, if practicable, send a messenger across the country to the Del Norte and so to Washington.

Very respectfully, your obedient servant,

GEORGE BANCROFT.

The next communication was dated June 8, 1846, the very day on which Sloat sailed from Mazatlan for the purpose of taking possession of California. He had a few days previous received intelligence through Mexico of the fighting that had taken place in April on the Rio Grande, and he had in his possession Bancroft's instructions of June 24, 1845, directing him, in case of a declaration of war by Mexico against the United States, to seize San Francisco and other Mexican ports. But he had not as yet received any positive notification of any declaration of war or, in other words, of the event upon which he was to act.

As is well known, Sloat hesitated, even after he reached Monterey on July 2, 1846, to take possession of California. He had no proof of any declaration of war; and he felt that, if there was no war, he would be running great risk and could not plead his instructions—all that he had up to that time received—in justification. But finally on July 7, 1846, after hesitating for five days—with much doubt as to the propriety of his action but resolving that it would be better to be blamed for doing too much than for doing too little—he ran up the stars and stripes and thus accomplished what, it was very plain, the administration at Washington desired should be done, and what—we may add—it was determined when done should not again be undone.

The letter of June 8, 1846, was as follows:

U. S. NAVY DEPARTMENT,
WASHINGTON, June 8th, 1846.

Commodore John D. Sloat, Commanding U. S. Naval Forces in the Pacific Ocean.

COMMODORE: You have already been instructed, and are now instructed, to employ the force under your command first, to take possession of San Francisco; next, to take possession of Monterey; next, to take possession of such other Mexican ports as you may be able to hold; next, to blockade as many of the Mexican ports in the Pacific as your force will permit, and to watch over American interests and citizens and commerce on the west coast of Mexico.

It is rumored that the province of California is well disposed to accede to friendly relations with the United States. You will encourage the people of that region to enter into relations of amity with our country. In taking possession of their harbors you will, if possible, endeavor to establish the supremacy of the American flag without any strife with the people of California.

The squadron on the east coast of Mexico, it is believed, is in the most friendly relations with Yucatan. In like manner, if California separates herself from our enemy, the Central Mexican Government, and establishes a government of its own under the auspices of the American flag, you will take such measures as will best promote the attachment of the people of California to the United States, will advance their prosperity and will make that vast region a desirable place of residence for emigrants from our soil.

Considering the great distance at which you are placed from the Department and the circumstances that will constantly arise, much must be left to your discretion. You will bear in mind generally that this country desires to find in California a friend and not an enemy, to be connected with it by near ties, to hold possession of it at least during the war, and to hold that possession, if possible, with the consent of its inhabitants.

The sloop of war "Dale," Commander McKean, sailed from New York on the 3d instant to join your squadron. The "Lexington," Lieutenant Bailey, will sail as soon as she can take on board her stores. The "Potomac" and "Saratoga" have also been ordered to the Pacific.

I am, sir, very respectfully, your obedient servant,

GEORGE BANCROFT.

The administration was determined that California should not remain untaken for want of instructions on the subject. On July 12, 1846, five days after the American flag was flying at Monterey and three days after it was thrown to the breeze on Yerba Buena plaza, now Portsmouth Square, Bancroft wrote again to Sloat:

U. S. Navy Department,
Washington, July 12th, 1846.

Commodore John D. Sloat, Commanding U. S. Naval Forces in the Pacific Ocean.

Commodore: Previous instructions have informed you of the intention of this Government, pending the war with Mexico, to take and hold possession of California. For this end a company of artillery, with cannon, mortars and munitions of war, is sent to you in the "Lexington" for the purpose of co-operating with you according to the best of your judgment, and of occupying under your direction such port or ports as you may deem expedient in the Bay of Monterey or in the Bay of San Francisco, or in both. In the absence of a military officer higher than Captain, the selection of the first American port or ports on the waters of the Pacific in California is left to your discretion.

The object of the United States is, under its rights as a belligerent nation, to possess itself entirely of Upper California. When San Francisco and Monterey are secured you will, if possible, send a small vessel of war to take and hold possession of the port of San Diego; and it would be well to ascertain the views of the inhabitants of Pueblo de Los Angeles, who, according to information received here, may be counted upon as desirous of coming under the jurisdiction of the United States. If you can take possession of it you should do so.

The object of the United States has reference to ultimate peace with Mexico: and if, at that peace, the basis of *uti possidetis* should be established, the Government expects, through your forces, to be found in actual possession of Upper California. This will bring with it the necessity of a civil administration. Such a government should be established under your protection; and in selecting persons to hold office due respect should be had to the wishes of the people of California as well as to the actual possessors of authority in that province. It may be proper to require an

oath of allegiance to the United States from those who are entrusted with authority. You will also assure the people of California of the protection of the United States.

In reference to commercial regulations in the ports of which you are in actual possession, ships and produce of the United States should come and go free of duty. For your further instruction I enclose to you a copy of confidential instructions from the War Department to Brigadier General S. W. Kearney, who is ordered overland to California. You will also communicate your instructions to him and inform him that they have the sanction of the President.

The Government relies on the land and naval forces to co-operate with each other in the most friendly and effective manner.

After you shall have secured Upper California, if your force is sufficient, you will take possession and keep the harbors on the Gulf of California as far down at least as Guaymas. But this is not to interfere with the permanent occupation of Upper California.

A regiment of volunteers from the State of New York, to serve during the war, have been called for by the Government and are expected to sail from the first to the tenth of August. This regiment will in the first instance report to the naval commander on your station, but will ultimately be under the command of General Kearney, who is appointed to conduct the expedition by land.

The term of three years having nearly expired since you have been in command of the Pacific squadron, Commodore Shubrick will soon be sent out in the "Independence" to relieve you. The Department confidently hopes that all Upper California will be in our hands before the relief shall arrive.

Very respectfully,

GEORGE BANCROFT.

The next letter of the series from Bancroft to Sloat was written on August 13, 1846, about a month after the latter, having made up his mind to be blamed for too much rather than for too little, had taken possession of California—though it was some time before that fact, so dear to the heart of the administration, was known at Washington. It was as follows:

U. S. Navy Department,
Washington, August 13th, 1846.

Commodore John D. Sloat, Commanding Pacific Squadron.

Commodore: Your letter numbered 48 of the 6th of May last has been received. As you state "that your health is declining very rapidly and is becoming very precarious" and for other reasons, you are hereby relieved from the command of the Pacific squadron. If Commodore Biddle is on the station, he will retain the command until further orders. If he is not there, Commodore Stockton will assume the command until Commodore Biddle shall arrive. If neither Commodore Biddle nor Commodore Stockton is there, the oldest officer will assume it until one or the other shall make his appearance.

You will transfer all the orders and instructions from the Department which remain unexecuted to the officer who may assume the command.

If you are still on board the "Savannah," Commander Nicholson will take the command of that frigate.

You will return to the United States as a passenger in the first public vessel; or, since none is likely to be dispatched soon, you may return in a private ship. The necessary cost of your passage home will be defrayed by the Department.

The Department sincerely hopes that your release from the cares of command will secure to you early and entire restoration of health.

Very respectfully,

George Bancroft.

On the same day that the last letter was written, and apparently after it had been sent off, a letter was received from Sloat dated Mazatlan, June 6, 1846, stating the fact that he had heard rumors of fighting on the Rio Grande but was uncertain whether he should consider such rumors a sufficient declaration of war to authorize him to seize California. As a matter of fact he did sail a few days afterwards and did seize California, as has been seen; but his letter left it somewhat problematical what he would do. Under the circumstances Bancroft immediately wrote as follows:

U. S. Navy Department,
Washington, August 13th, 1846.

Commodore John D. Sloat, Commanding U. S. Naval Forces in the Pacific Ocean.

Commodore: The Department has received your letter No. 51 of June 6, from which it appears that while you were aware of the existence of "actual war" between the United States and Mexico, you remained in a state of inactivity and did not carry out the instructions of June 24, 1845, framed to be executed even in the event of the mere declaration of war, much more in the event of actual hostilities. These instructions you were ordered to carry out "at once."

In my letter of August 5th, 1845, the receipt of which you acknowledged on the 28th January, 1846, referring to them, I said: "In the event of war, you will obey the instructions recently addressed to you via Panama." In my letter of October 17th, 1845, of which you acknowledge receipt on the 17th March, 1846, referring to these instructions once more, I said further: "In the event of actual hostilities between the Mexican Government and our own you will so dispose of your whole force as to carry out most effectually the objects specified in the instructions forwarded to you from the Department in view of such a contingency." And surely there is no ambiguity in the language. And in my letter of 23d February last, sent through Mexico, I remarked: "This letter is sent to you overland, enclosed as you suggest to Messrs. Mott, Talbot & Co., Mazatlan, and you will readily understand the reserve with which it is written." The Department on August 5th, 1845, had also told you that "your force should not be weakened while hostilities are threatened by Mexico." Your course was particularly approved in detaining the frigate "Constitution." The Department will hope that a more urgent necessity than as yet appears existed for the otherwise premature return of that vessel.

The Department willingly believes in the purity of your intentions. But your anxiety not to do wrong has led you into a most unfortunate and unwarranted inactivity.

Very respectfully yours,

George Bancroft.

Whatever may have been the ulterior object for which the Mexican war was commenced, and whatever may have been the spirit with which, as a part of the general purpose contemplated by that war, California was seized and held—for upon these points there is much to be said and opinions may

widely differ—there can be no denying that the acquisition of California for its present possessors was the best thing that could have happened for it and for us. And if we are to judge by the results, which are yearly becoming more and more apparent, and with that wide and broad philosophy which is not confined to sectional considerations or the narrow views of a single age but takes in the lives of nations and the grand march of civilization through all the ages, we must always regard the conquest of California for American culture as fortunate for the human race.

Very few of the Secretaries of Department at Washington have produced so much effect, or will occupy so prominent a position for what they have individually accomplished in the history of the country, as Bancroft. Their work is usually overshadowed by the name and reputation of the President; but with the conquest of California as the outcome of the Mexican war it is different—the name of President Polk being seldom more than mentioned, while that of Bancroft as Secretary of the Navy shines out with a bright light. Not only is he celebrated for the prominent part he took in the war; but he will also be remembered as the founder and supporter, during his incumbency of the office of Secretary, of the Naval Academy at Annapolis, whereby he entitled himself to the same meed of praise, bestowed by that "honest chronicler" Griffith upon Cardinal Wolsey as the patron of those twin seats of learning, Ipswich and Oxford.

From 1846 to 1849 Bancroft was minister to Great Britain. Upon his return he took up his residence in New York and devoted himself to literary labors. In 1864 he was accredited minister to Prussia; in 1868 to the North German Confederation, and in 1871 to the German Empire. He was recalled at his own request in 1874. Meanwhile his great work, the "History of the United States," was steadily advancing. Before 1850 three volumes had appeared and up to 1874 there were seven more. In 1876 a new edition was published in six volumes. In 1882 two new volumes appeared, devoted to the "Formation of the Federal Constitution;" and in 1884 and 1885 the entire work, revised and compressed into six volumes, appeared in its final form.

It is not the intention on this occasion to attempt any criticism of Bancroft's History. It is enough to say of it that up to this time it is the standard history for the period covered —and perhaps it may even be said that there is no other history of that period entitled in comparison to take second place. But there may be, and for that matter there are, differences of opinion as to many of the subjects treated and different views as to the importance of particular events. Some think too much space has been given to special circumstances, while others think too little has been said upon them. Some look for biographical notices and local events and political judgments they do not find, while others tire of narrations and discussions which they deem not of sufficient general interest. But it is certain that the historian wrote in sincerity of heart, with an unquestioned and unquestionable desire to do justice and with much skill in dividing and distributing his material with regard to historical perspective. And he has built of it a great monumental structure which commands and deserves the respect of the world. It may not have the lightness and grace of the Ionic architecture, or the exquisite ornamentation and finish of the Corinthian order; but there is at least a sturdy solidity and honest strength about it that reminds one of the old Doric art—which was also admirable in its way.

When he put the last touches to his History a few years ago, the work of the venerable historian ceased. His labors were over. His last address was at the third meeting of the American Historical Association, of which he was president, at Washington on April 27, 1886. A few years before that time, on May 20, 1882, he wrote to a friend, in language which was eloquent in its impressiveness, as follows: "I was trained to look upon life here as a season for labor. Being more than fourscore years old, I know the time for my release will soon come. Conscious of being near the shore of eternity, I await without impatience and without dread the beckoning of the hand, which will summon me to rest."

That hand dealt lightly and kindly with him. He died an

easy and peaceful death at Washington, January 17, 1891. He was a member of societies and associations without number and throughout all civilized countries. He was known in every part of the world and by every people that ever heard of the Declaration of Independence or George Washington. And all join to do honor to his memory.

"And on that grave where Eastern oak and holly
And laurel wreaths entwine,
Deem it not all a too presumptuous folly,-
This spray of Western pine!"

JAMES LICK TRUSTS

DEED

Faxon D. Atherton, Sr.,
Bernard D. Murphy,
John Nightingale,

TRUSTEES,

TO

Richard S. Floyd,
William Sherman,
Edwin B. Mastick,
Charles M. Plum, and
George Schönewald,

TRUSTEES.

DATED MARCH 29th, 1877.

SAN FRANCISCO:
Francis, Valentine & Co., Printers, 517 Clay St., S. F.
1879.

FAXON D. ATHERTON, SR.
BERNARD D. MURPHY,
JOHN NIGHTINGALE,
Trustees,

TO

RICHARD S. FLOYD,
WILLIAM SHERMAN,
EDWIN B. MASTICK,
CHARLES M. PLUM,
GEORGE SCHONEWALD,
Trustees.

DEED,

Dated March 29, 1877.

Know all Men by these Presents,

That we, Faxon D. Atherton, Sr., Bernard D. Murphy, and John Nightingale, have remised, released, and quitclaimed, and by these presents do remise, release, and quitclaim unto Richard S. Floyd, William Sherman, Edwin B. Mastick, Charles M. Plum, and George Schonewald, as our successors in the office of Trustees of the "James Lick Trust," and unto their successors and assigns forever,

All and singular the lands, tenements, hereditaments and property following—that is to say,

First. Commencing at the southeast corner of Montgomery and Sutter Streets, running thence

westerly on the southerly line of Sutter Street three hundred and fifteen (315) feet; thence at right angles southerly, and parallel with Kearny Street one hundred and twenty-two (122) feet and six (6) inches; thence at right angles easterly, and parallel with Sutter Street, forty (40) feet; thence at right angles southerly, and parallel with Kearny Street, one hundred and fifty-two (152) feet and six (6) inches, to the northerly line of Post Street; thence at right angles easterly, along the said northerly line of Post Street, one hundred and fifteen (115) feet; thence at right angles northerly, and parallel with Montgomery Street, seventy-five (75) feet; thence at right angles easterly, and parallel with Post Street, one hundred and sixty (160) feet, to the westerly line of Montgomery Street, and thence at right angles northerly along the westerly line of Montgomery Street, two hundred (200) feet, to the point of beginning, being lots numbered respectively five hundred and fifty-seven (557) and five hundred and fifty-eight (558), and parts of lots numbered respectively five hundred and fifty-nine (559), five hundred and seventy-seven (577), and five hundred and seventy-eight (578) on the official map of the City and County of San Francisco, State of California.

Second. Commencing at a point on the southeasterly line of Market Street, distant one hundred and ninety-five (195) feet southwesterly from the southwesterly line of Fourth Street, running thence

southeasterly and parallel with Fourth Street, one hundred and ninety-five (195) feet; thence at right angles northeasterly and parallel with Market Street, one hundred and ninety-five (195) feet to the southwesterly line of Fourth Street; thence at right angles northwesterly along the southwesterly line of Fourth Street one hundred and ninety-five (195) feet to the southerly line of Market Street, and thence at right angles southwesterly along the southeasterly line of Market Street one hundred and ninety-five (195) feet to the point of beginning, being a portion of one hundred (100) vara lot, numbered one hundred and twenty-six (126), as laid down on the official map of the City and County of San Francisco.

Third. Those certain water lots in the City and County of San Francisco, and numbered respectively on the official map therof, as follows, viz.: numbers one hundred and thirty (130), one hundred and thirty-one (131), one hundred and thirty-two (132), one hundred and thirty-three (133), one hundred and thirty-four (134), one hundred and thirty-five (135), four hundred and twenty-seven (427), four hundred and twenty-eight (428), four hundred and twenty-nine (429) and four hundred and thirty (430).

Fourth. That certain fifty (50) vara lot, in the City and County of San Francisco, and numbered on the official map of the said City and County as

follows, viz.: number four hundred and thirty-nine (439).

Fifth. That certain lot of land on First Street, in the City of San José, County of Santa Clara, State of California, adjoining the premises, now or late of Mr. Beans, the banker, fronting about one hundred (100) varas on First Street, and containing eleven (11) acres; also, those certain two (2) fifty-vara lots, situated on First Street in said City of San José, County and State aforesaid: adjoining the school of Mrs. Yates, and formerly leased by her from the late James Lick; also that certain tract of land situated near the City of San José, County and State aforesaid, bounded on the west by the Santa Clara Road, on the south by the lands of one Montague, on the east by the lands of Pfister, and on the north by the lane, containing one hundred and fifty (150) acres, more or less.

Sixth. That certain tract of land, situate in Santa Clara County, State of California, lying on the westerly side of the road leading from San José, in a southerly direction to the "New Almaden Quicksilver Mine," so-called, in said Santa Clara County, State aforesaid, and known as the homestead of the late James Lick.

Seventh. Isla de Santa Catalina, granted July 4th, A.D. eighteen hundred and forty-six (1846) by Pio Pico, Governor, etc., and confirmed by the District Court of the United States, Southern District of California, March 1st, eighteen hun-

dred and fifty-eight (1858), in Los Angeles County, State of California.

Eighth. That certain tract of land, situate in Los Angeles County, State of California, and known as the "Rancho de los Felis," containing one and one-half (1½) square leagues, more or less, and patented by the United States to Maria Ignacio Berdugo, by patent dated April 18th, eighteen hundred and seventy-one (1871).

Ninth. All those certain tracts of land situate on the borders of Lake Tahoe, so-called, in the County of Placer, State of California, and conveyed to the late James Lick by Henry M. Yerrington, Duane L. Bliss and James A. Rigley, by deed or deeds dated on or about Nov. 5th, A.D. eighteen hundred and seventy-three (1873).

Tenth. All those certain lots, pieces or parcels of land, situate at or near the summit of Mount Hamilton, so-called, in the County of Santa Clara, State of California, described as follows, to wit: all of section nine (9), the south half of section three (3), the north half of section ten (10), the southeast quarter of the northeast quarter, the northeast quarter and the fractional west half of the southeast quarter of section eight (8), and the fractional east half of section seventeen (17), lying east of the "Rancho Cañada del Pala," so-called, in township seven (7), south of range three (3), east of the Mount Diablo base and meridian, according to the United States Government survey, contain-

ing about fifteen hundred and forty (1540) acres, be it more or less.

To have and to hold the same unto the said Richard S. Floyd, William Sherman, Edwin B. Mastick, Charles M. Plum and George Schönewald, the survivors and survivor of them, and their successors and their assigns, in trust, for the uses and purposes set forth and specified in that certain deed of trust made and executed by the late James Lick on the twenty-first day of September, A. D. eighteen hundred and seventy-five (1875), and recorded in the office of the Recorder of the City and County of San Francisco, State of California, in Liber eight hundred and ten (810) of Deeds, on folio 26 *et seq.*, and for the uses and purposes therein named, as if the same were herein specifically mentioned and set forth.

In witness whereof the said Faxon D. Atherton, Sr., Bernard D. Murphy, and John Nightingale have hereunto set their respective hands and seals, this twenty-ninth day of March, A. D. one thousand eight hundred and seventy-seven (1877).

F. D. Atherton. [SEAL.]
B. D. Murphy. [SEAL.]
John Nightingale. [SEAL.]

Signed, sealed, and delivered in presence of
H. A. Scofield.
Henry E. Mathews.

STATE OF CALIFORNIA,
City and County of San Francisco. } *ss.*

On this twenty-ninth day of March, A.D. one thousand eight hundred and seventy-seven, before me, Sam'l S. Murfey, a Notary Public in and for the said City and County, residing therein, duly commissioned and sworn, personally appeared B. D. Murphy and John Nightingale, known to me to be the persons whose names are subscribed to the within instrument, and they each acknowledged to me that they executed the same.

In witness whereof I have hereunto set my hand, and affixed my official seal, [SEAL.] the day and year in this certificate first above written.

SAM'L S. MURFEY,
Notary Public.

STATE OF CALIFORNIA,
County of San Mateo. } *ss.*

On this nineteenth day of April, A. D. one thousand eight hundred and seventy-seven, before me, H. A. Scofield, a Notary Public in and for the County of San Mateo, personally appeared F. D. Atherton, known to me to be the same person whose name is subscribed to the annexed instrument, and acknowledged to me that he executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal, at [SEAL] my office in the County of San Mateo, the day and year in this certificate first above writen.

H. A. SCOFIELD,
Notary Public.

Recorded, at the request of H. A. Mathews, Aug. 20, A. D. 1877, at 4 P. M., in liber 887 of Deeds, p. 173.

Recorded in the office of the County Recorder of the City and County of San Francisco, Aug. 20, 1877, at 4 P. M., in liber 887 of Deeds, page 173.

O. H. FRANK,
County Recorder.

Recorded, at the request of T. E. Fraser, 5th day of July, 1878, at 8 min. past 9 o'clock A. M., liber 49 of Deeds, page 357 *et seq.*, Records, Santa Clara County, California.

W. B. HARDY,
County Recorder.
By A. S. WILLIAMS,
Deputy.

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